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10 PENINSULA CORRIDOR JOINT POWERS BOARD
11 (erroneously sued herein as Caltrain)

12
13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA

15 CLARENCE JAMES "KIMO" SLOAN, JR.,

16 Plaintiff,

17 v.

18 CALTRAIN, a public corporation; MICHAEL
19 SCANLON; AMTRAK, a public corporation;
20 DAVID GUNN; AMELCO ELECTRIC, a
21 private corporation; MARK ANGELICH;
22 KINGDOM PIPELINE, a private corporation;
23 BRENDAN MURPHY; CHRISTOPHER
24 PAYNE; ROD MCLEAN; DEREK BROWN;
25 LOUIS AVILEIR; CLAUDE ROBBINS;
26 WAYNE PARKS; RUSSELL HOLDEN;
27 JAMES CHAMPDELANE; and DOES 1
through 20, inclusive;

Defendants.

CASE NO. C 05-03168 WHA

STIPULATION AND [PROPOSED]
ORDER DISMISSING THE ACTION
AGAINST DEFENDANT CALTRAIN
ONLY, WITH PREJUDICE

AND RELATED CROSS-CLAIM.

Plaintiff CLARENCE JAMES "KIMO" SLOAN, JR. filed the original Complaint in this
Action in San Mateo County Superior Court on June 17, 2005, Sloan v. Caltrain, a public
corporation, et al., San Mateo County Superior Court Case No. CIV447601, and served
Defendant Peninsula Corridor Joint Powers Board ("Caltrain" or "Defendant"), erroneously
named as "CalTrain" in the original Complaint. The Action was then removed to the U.S.
District Court for the Northern District of California on August 4, 2005.

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1 Plaintiff and Defendant CALTRAIN have now settled all claims between them and
2 request, pursuant to Federal Rules of Civil Procedure, Rule 41(a)(2), that this court enter an order
3 dismissing Plaintiff's action against CALTRAIN in its entirety and with prejudice, with both
4 Plaintiff and CALTRAIN to bear their own costs and attorneys' fees related to their presence in
5 and dismissal from this action.

6 DATED: 4-10, 2006

SEDGWICK, DETERT, MORAN & ARNOLD LLP

7 By: James S. Brown

8 James S. Brown
9 Marc A. Koonin
10 Attorneys for Defendant
11 PENINSULA CORRIDOR JOINT POWERS
12 BOARD (erroneously sued herein as Caltrain)

13 DATED: 3-31, 2006

14 CHARLES J. KATZ, ESQ.
15 ELLADENE LEE KATZ, ESQ.

16 By: Charles J. Katz

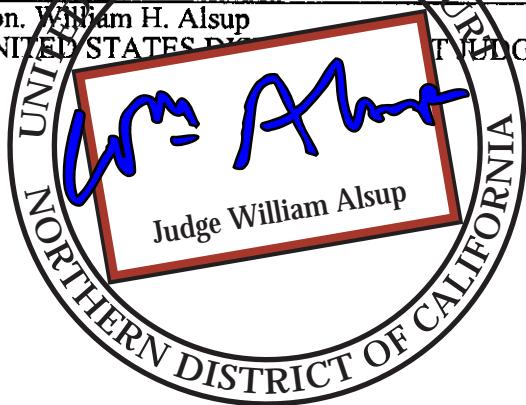
17 Elladene Lee Katz
18 Attorneys for Plaintiff CLARENCE JAMES
19 "KIMO" SLOAN, JR.,

17 ORDER

18 PURSUANT TO STIPULATION, IT IS SO ORDERED.

20 DATED: 4/13/06, 2006

21 Hon. William H. Alsup
22 UNITED STATES DISTRICT JUDGE



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